IN THE HIGH COURT OF DELHI

Bail Application No.1084/2007

Ashok Bhatia & Anr. ..... Petitioners
! through: Mr. Prag Chawla, Advocate

VERSUS

$ State & Anr. ..... Respondents
^ through: Mr.Anil Soni, Adv. for State.
Mr. Rakesh Mukhija, Adv. for the complainant

% DATE OF DECISION: 07.08.2007

CORAM:

* **Hon'ble Mr.Justice Pradeep Nandrajog**

1. Whether reporters of local papers may be allowed to see the judgment?

2. To be referred to the Reporter or not?

3. Whether judgment should be reported in Digest?

: **PRADEEP NANDRAJOG, J.** (Oral)

FIR No.1384/2006 dated 8.12.2006
U/S 406/120-B IPC
PS Saraswati Vihar.

1. Petitioners, father and son have knocked the door of this Court seeking anticipatory bail in the above captioned FIR. Before noting the version of the petitioners it would be useful to note the gravement of the allegations against the petitioners as find mentioned in the FIR.

2. The FIR has been registered pursuant to the

directions issued by a learned Metropolitan Magistrate. The complainant is Pramod Verma who states that he is carrying on business in the name and style M/s.P.J.Impressions. He stated in the complaint that the petitioners are in printing business and he supplied paper to the petitioners for printing. He states that paper worth Rs.34,91,803/- is in the custody of the petitioners. He further states that plates and designs etc. worth another Rs.27 lacs are in the custody of the petitioners. He states that neither the paper nor other material supplied to the petitioners for printing has been returned.

3. The charge of entrustment is repelled by the petitioners inter alia pointing out to the Court that the complainant owed them Rs.10,70,261/- towards printing charges. In respect of said debt he issued various cheques on different dates, all of which were dishonoured by the banker of the complainant when presented for encashment.

4. I note that the date of return of the cheques is 2.12.2002.

5. According to the petitioners, they lodged a complaint under Section 138 read with Section 142 of the Negotiable Instruments Act and it was only when summons were issued to the complainant by way of a retaliatory

measure instant FIR was lodged.

6. Petitioners have relied upon a letter dated 31.5.2004 written by the complainant admitting therein that Rs.10,70,261/- are payable to the petitioners.

7. It may however be noted that in said letter complainant has referred to paper and other material lying entrusted to the petitioner.

8. Factum of petitioners lodging a complaint against the complainant of the FIR and petitioners' complaint being under Section 138 read with Section 142 of the Negotiable Instruments Act is not in dispute.

9. Following circumstances stand out:-

(a) Complainant admittedly issued cheques totaling more than Rs.10 lacs payable to the petitioners in the year 2002.

(b) Complainant's grievance pertaining to entrustment of paper and other material to the petitioners in value of approximately Rs.66 lacs surfaced for the first time in the year 2004.

(c) It remains unexplained as to why the complainant who had entrusted goods worth Rs.66 lacs to the

petitioners, to off-load his reciprocal obligations

would tender cheques of over Rs.10 lacs to the petitioners.

10. Normal business transactions of the kind as pleaded by the complainant required adjustment of mutual entries at the end of each financial year.

11. Apart from the normal rule of business prudence, case is made out for granting anticipatory bail to the petitioners additionally for the reason the business transaction between the parties is expected to be documented in the books of accounts; not requiring any custodial interrogation of the petitioners.

12. Learned counsel for the State under instructions from the Inquiry Officer states that the petitioners have been joining the investigation as and when required by the Inquiry Officer.

13. Petition accordingly stands disposed of directing that on the petitioners furnishing a personal bond in sum of Rs.20,000/- each with one surety each in the like amount to the satisfaction of the Inquiry Officer, petitioners would be admitted to bail in the above captioned FIR by the IO.

14. Copy of this order be supplied dasti to learned counsel for the petitioner.

August 07, 2007 **PRADEEP NANDRAJOG, J.**
dk